

REMARKS/ARGUMENTS

The claims are 1, 3-13 and 15-31. Claim 1 has been amended to better define the invention. Claims 12 and 13 have been amended to improve their form, and new claims 26-31 have been added. Reconsideration is expressly requested.

Claims 1, 3-4, 10-13 and 15-24 were rejected under 35 U.S.C. 102 (b) as being anticipated by *Fürst U.S. Patent No. 5,998,015*. The remaining claims 5-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Fürst*, in view of *Kurfman et al U.S. Patent No. 4,115,619*.

Essentially, the Examiner has repeated the rejection previously made in the Office Action mailed June 29, 2004. The Examiner also stated that Applicant's arguments presented in the Amendment filed September 29, 2004 were not considered persuasive, because in the Examiner's view the laminate disclosed in *Fürst* would inherently have the same chemical and physical properties as those forth in the claims as then currently constituted.

The Examiner also considered the combination of *Fürst* with *Kurfman et al.* proper because *Kurfman et al.* was said to illustrate

that a laminate comprising a film made of polyamide, polyethylene terephthalate, or polyacrylonitrile as alternatives of polypropylene for the purpose of enhancing heat resistance, melt fluidity and chemical impact resistance. The Examiner also stated that the arguments presented did not show how the language of the claims distinguished over the cited references.

In response Applicant has amended claim 1, *inter alia*, to recite that at least one of the film layers of the multilayer film is configured to provide a barrier against mineral oils and has added new claims 27-31, each directed to a method of using a film combination, and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 1 as amended and in claim 25, Applicant's invention provides a multilayer film having at least two film layers made from different materials wherein at least one film layer is configured to provide a barrier against mineral oils. As set forth in new claims 27, 28 and 30, Applicant's invention provides a method of using a film combination in which a multilayer film is provided having at least two film layers made of different materials where the first film layer has the larger coefficient of thermal expansion than the second film layer and the second film

layer faces towards a substrate to be covered with the multilayer film. At least one of the film layers is configured to provide a barrier against mineral oils.

As recited in claim 27, the multilayer film is used as a release film for bituminous membranes. As recited in claim 28, the multilayer film is used as a release film for self-adhesive sealing membranes. As recited in claim 30, the multilayer film is used as a release film for welded membrane.

It is the task of the invention to create a cover and release film, particularly for webs that contain oil and/or bitumen which film prevents the oily components of the web that contains oil from diffusing out. In addition, delamination of the cover and release film from the bituminous web is to be prevented, as is the curl effect that frequently occurs. The curl effect is understood to be an independent separation of the cover and release film, particularly at the edges of the cover and release film, which separation is caused by swelling processes.

In order to prevent delamination and the curl effect, a material having a greater heat expansion coefficient is used on the outside of the cover and release films as recited in claims 1, 27,

28 and 30, thereby actually pressing the edges of the cover and release film against the web that contains oil. The curl effect is frequently further reinforced in that the oily substances of the web that contains oil and/or bitumen defuse into a cover and release film. As a result, the layer faces the web that contains oil swells up. This swelling causes the edges of the cover and release film to separate from the web that contains oil.

By configuring at least one of the film layers to provide a barrier against mineral oils as recited in claims 1, 25, 27, 28 and 30, swelling of the film layers is effectively prevented and thereby the main cause of the curl effect is eliminated.

The primary reference to *Fürst* fails to disclose or suggest a multilayer film having at least two film layers made from different materials wherein at least one film layer comprises a barrier layer against mineral oils or a method of using a multilayer film as a release film for bituminous membranes, self-adhesive sealing membranes or welded membranes. Although the Examiner has taken the position that the intermediate lacquer layer of *Fürst* would inherently have barrier characteristics, it is respectfully submitted that *Fürst* relates to a completely different film than that set forth in amended claim 1 or claim 25 or the release films

provided by the method of claims of 27, 28 and 30. The film described in *Fürst* serves as a water vapor barrier for use in motor vehicles, and it is respectfully submitted that one skilled in the art would not consider the flame-retardant lacquer in *Fürst* to be a barrier layer against mineral oils.

More specifically, the flame retardant lacquer of *Fürst* concerns a primer containing a large amount of chlorine. The primer does not have barrier characteristics but rather merely takes care of a separation of the polyolefin foil and the silicone layering.

The polyolefin foil itself is flame-retardant due to the addition of a halogen-containing flame inhibitor, for example, and also, the silicone layer. If, however, the polyolefin foil and the silicone layer are connected directly with each other, a catalytic function results between the two materials, which makes the whole system again burnable.

The flame-retardant lacquer avoids this effect. However, there are no barrier characteristics of the flame-retardant known nor are they desired.

Moreover, as more specifically recited in claim 8, Applicant's invention provides a multilayer film layer wherein at least one of the film layers is produced from polyacrylonitrile. There is no disclosure or suggestion in *Fürst* of the use of polyacrylonitrile and film layers in combination with a release film.

Like *Fürst*, the secondary reference to *Kurfman et al.* is not concerned with a release film, but rather a laminate for other applications, which are used in a completely different manner than in Applicant's multilayer film. Moreover, *Kurfman et al.* is concerned with a completely different area of use in which the exclusive manner of concern is the optimization of films that are made to be reflective. Although *Kurfman et al.* recites that engineering plastics such as, *inter alia*, styrene/acrylonitrile copolymers, ABS polymers, and nitrile resins such as polyacrylonitrile are of interest, there is no disclosure or suggestion of using such polymers in a release film or adding such polymers to the plastic film of *Fürst* for the purposes of obtaining a release film. There is also no disclosure or suggestion of using a barrier layer against mineral oils as recited in Applicant's claims 1, 25, 27, 28 and 30.

Accordingly, it is respectfully submitted that claims 1, 25, 27, 28 and 30 and dependent claims 3-13, 15-24, 26, 29 and 31 are

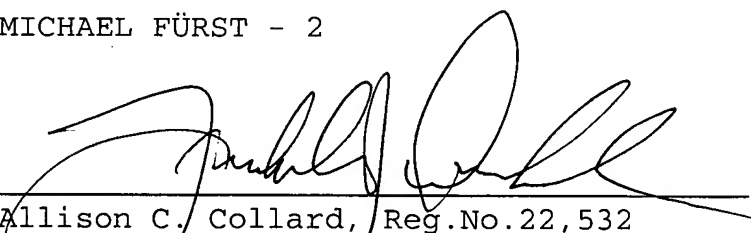
patentable over the cited references.

In summary, claims 1, 12 and 13 have been amended, and new claims 26-31 have been added. A check in the amount of \$700.00 is enclosed in payment of the fee for two independent claims in excess of three and six additional claims in excess of twenty (three additional claims over twenty having previously been paid for). In view of the foregoing, withdrawal of the final action and allowance of this application are respectfully requested.

Respectfully submitted,

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Enclosures: Copy of Petition for one month extension of time and a check for \$700.00

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP: Amendment, Commissioner of Patents, U.S. PTO, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2005.


~~Melissa Konko~~

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